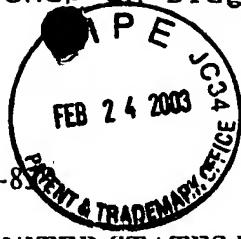


Docket No.: 10473-81

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Anthony CARROLL, et al.

Serial No.: 10/066,795

Group Art Unit: 3661

Filed: February 06, 2002

Examiner: Nguyen, T.

For: NETWORK-BASED METHOD AND SYSTEM FOR DISTRIBUTING DATA

DECLARATION OF FREDERICK J. ROGERS FILED  
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)Commissioner for Patents  
Washington, DC 20231

Sir:

1. I am the Intellectual Property Coordinator and Technical Assets Manager for the Wheel Alignment Products Group of Snap-on Technologies, Inc., the assignee of the above-referenced patent application.
2. I tried to contact Mr. Steven W. Rogers during January 2003 regarding the execution of the formal documents for the above-referenced application, including the inventor's Declaration and Assignment. I asked the administrative assistant of Snap-on Technologies, Inc. to contact Mr. Rogers on numerous occasions by telephone at his last known address in Conway, Arkansas. However, Mr. Rogers had moved away from this location without leaving a forwarding address or telephone number.
3. I was notified that Mr. Rogers had moved to San Jose, California. However, there was no address or telephone number available.
4. I used search engines on the Internet to locate Mr. Rogers' new contact information. However, there was no available information related to Mr. Rogers' new address or telephone number.
5. I was then notified that Mr. Rogers had a web site on the Internet. I located the web site and found that he had listed an e-mail address on the web site. I sent a signature request along with the formal documents, including the declaration and

**RECEIVED**

MAR - 3 2003

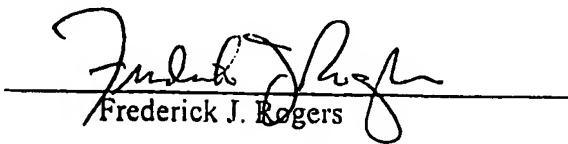
**OFFICE OF PETITIONS**

10/066,795

assignment, to Mr. Rogers at the listed e-mail address on Feb 3, 2003. A copy of the e-mail as sent is attached hereto as Appendix A. Mr. Rogers, however, did not respond to the signature request.

6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any application or patent issued thereon.

Date: February 24, 2003



Frederick J. Rogers



"Rogers, Fred J."  
<fred Rogers@johnbea  
n.com>

To: "steve.rogers@stevewrogers.com" <steve.rogers@stevewrogers.com>  
cc: "nchen@mwe.com" <nchen@mwe.com>  
Subject: Snap-on#JBC-01274 (MWE 10473-839)

02/03/03 05:45 PM

Steve,

Thanks for providing the signatures on the "Statement by Inventor's Added to Application".

We are moving forward with this application and are now being asked to provide signatures for the Power of Attorney and the assignment. If you could scan them and return the signed copies to me via Email, that would be the best. If not, you could fax them to 501 505 2625 or send them to me at: Snap-on Incorporated  
309 Exchange Ave.  
Conway, AR 72032

I thank you very much.

Fred Rogers

-----Original Message-----

From: nchen@mwe.com [mailto:nchen@mwe.com]  
Sent: Friday, January 31, 2003 3:11 PM  
To: Rogers, Fred J.  
Cc: arichardson@mwe.com; sbecker@mwe.com; Blake, Lawrence C.  
Subject: URGENT: Snap-on#JBC-01274 (MWE 10473-839)

\*\*\*\*\* PRIVILEGED AND CONFIDENTIAL \*\*\*\*\*

Fred,

Thanks for providing the inventors' information.

I am attaching an assignment and declaration. Please arrange to have Michael J. Kling, III, Michael L. Baird, George M. Gill Jean de Belleuille, and Steven Rogers to sign the documents.

The non-extendable due date is February 23, 2003. We need to send in the papers, otherwise the application will go abandoned.

Nicholas

W. Nicholas Chen  
McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, D.C. 20005

Tel: 202-756-8048  
Fax: 202-756-8087

----- Forwarded by Nicholas Chen/DC/MW&E on 01/31/03 04:02 PM -----

Nicholas Chen

To: Fred J. Rogers  
cc:  
Subject: URGENT:  
01/22/03 04:11 PM  
larry.blake@snapondiag.com  
Snap-on#JBC-01274 (MWE 10473-839)

\*\*\*\*\* PRIVILEGED AND CONFIDENTIAL \*\*\*\*\*

Fred,

Following up my previous e-mails (as attached) requesting inventors' information, please be advised that we are still awaiting the information.

A response to an office action is on third-month extension now. The response cannot be extended beyond February 23, 2003. We would appreciate if you could send us the information as soon as possible, as it may take another while.

I am also attaching a statement that needs to be signed by Snap-on's officials who are authorized to sign on behalf of the company. Please arrange to have the document signed and send it back to us.

Thanks.

W. Nicholas Chen  
McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, D.C. 20005  
Tel: 202-756-8048  
Fax: 202-756-8087

(See attached file: WDC99\_712497\_1.DOC)

(See attached file: WDC99\_712481\_1.DOC)

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This message is a PRIVILEGED AND CONFIDENTIAL communication. If you are not the intended recipient, please do not read, copy, or use it, and do not disclose it to others. Please notify the sender of the delivery error by replying to this message, and then delete it from your system. Thank you.

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For more information on McDERMOTT, WILL & EMERY please visit our website at: <http://www.mwe.com/>



WDC99\_712497\_1.DOC



WDC99\_712481\_1.DOC

## **SUBSTITUTE DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled NETWORK-BASED METHOD AND SYSTEM FOR DISTRIBUTING DATA, the specification of which



is attached hereto  
was filed on February 06, 2002 as Application Serial No. 10/066,795.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### **Prior Foreign Applications(s):**

Number	Country	Day/Month/Year filed	Priority Claimed
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

### **Prior U.S. Application(s):**

Serial No.	Filing Date	Status: Patented, Pending, Abandoned
10/054,793	1/25/02	Pending
08/962,023	10/31/97	U.S. Patent No. 6,405,111
08/857,725	5/16/97	U.S. Patent No. 6,285,932

Docket No.: 10473-839

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Mark C. Bach, Reg. No. 34,766; Steven W. Allis, Reg. No. 50,532; Stephen A. Becker, Reg. No. 26,527; John G. Bisbikis, Reg. No. 37,095; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Jennifer Chen, Reg. No. 42,404; Bernard P. Codd, Reg. No. 46,429; Lawrence T. Cullen, Reg. No. 44,489; Paul Devinsky, Reg. No. 28,553; Margaret M. Duncan, Reg. No. 30,879; Shamita De Etienne-Cummings, Reg. No. 46,072; Ramyar M. Farid, Reg. No. 46,692; Brian E. Ferguson, Reg. No. 36,801; Michael E. Fogarty, Reg. No. 36,139; John R. Fuisz, Reg. No. 37,327; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; John A. Hankins, Reg. No. 32,029; Eric J. Kraus, Reg. No. 36,190; Catherine Krupka, Reg. No. 46,227; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Burman Y. Mathis III, Reg. No. 44,907; Michael A. Messina, Reg. No. 33,424; Dawn L. Palmer, Reg. No. 41,238; Joseph H. Paquin, Jr., Reg. No. 31,647; Scott D. Paul, Reg. No. 42,984; William D. Pegg, Reg. No. 42,988; Robert L. Price, Reg. No. 22,685; Gene Z. Robinson, Reg. No. 33,351; Brian K. Seidleck, Reg. No. 51,321; Joy Ann G. Serauskas, Reg. No. 27,952; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Wesley Strickland, Reg. No. 44,363; Michael D. Switzer, Reg. No. 39,552; David M. Tenant, Reg. No. 48,362; Judith L. Toffenetti, Reg. No. 39,048; Daniel S. Trainor, Reg. No. 43,959; Shival P. Virmani, Reg. No. 45,032; Kelli N. Watson, Reg. No. 47,170; Cameron K. Weiffenbach, Reg. No. 44,488; Aaron Weisstuch, Reg. No. 41,557; Edward J. Wise, Reg. No. 34,523; Jeffrey A. Woller, Reg. No. 48,041; Alexander V. Yampolsky, Reg. No. 36,324; Robert W. Zelnick, Reg. No. 36,976; and Wei-Chen Chen, admitted under 37 CFR 10.9(b) all of

MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, D. C. 20005-3096

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

---

Full name of sole or first inventor: Anthony Carroll

Inventor's signature:

Date:

Residence: Cork, Ireland

Citizenship: Irish

Post Office Address: 77 Beechwood, Ballinlough, Cork, Ireland

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Docket No.: 10473-839

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Full name of second inventor: Brian McAuliffe

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Cork, Ireland

Citizenship: Irish

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Post Office Address: 9 The Pines, Bridgemount, Carrigaline, County Cork, Ireland

---

Full name of third inventor: Joe Gibbs

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: County Limerick, Ireland

Citizenship: Irish

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Post Office Address: 16 Belgard Grove, Patrickswell, County Limerick, Ireland

---

Full name of fourth inventor: Brian O'Sullivan

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: County Cork, Ireland

Citizenship: Irish

---

Post Office Address: 1 Cloyne Terrace, Cobh, County Cork, Ireland

---

Full name of fifth inventor: Steven W. Rogers

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence:

Citizenship: US

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Post Office Address:

---

Full name of sixth inventor: Michael J. Kling, III

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Delafield, WI

Citizenship: US

---

Post Office Address: 316 Juniper Court, Delafield, WI 53018

Docket No.: 10473-839

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Full name of seventh inventor: Michael L. Baird

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Morro Bay, CA

Citizenship: US

Post Office Address: 2756 Indigo Circle, Morro Bay, CA 93442

---

Full name of eighth inventor: George M. Gill

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Vilonia, AR

Citizenship: US

Post Office Address: 4 Ross Drive, Vilonia, AR 72173

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Full name of ninth inventor: Jean deBelleuille

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Harpswell, ME

Citizenship: US

Post Office Address: 907 Cundys Harbor Road, Harpswell, ME 04079

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